

INITIAL STATEMENT OF REASONS

SECTION 17661 ET SEQ. Admissions Criteria for the California Schools for the Deaf and Blind.

SPECIFIC PURPOSE OF THE REGULATION.

These proposed regulations establish the criteria for admission to the California Schools for the Deaf and Blind. The State Special Schools have instructional and residential programs. Pursuant to Education Code Section 59020 the State Superintendent of Public Instruction has the authority to establish criteria for admission to the State Special Schools. The criteria establish which students should be admitted because they can be appropriately served by the programs offered at the schools.

NECESSITY/RATIONALE

The California Schools for the Deaf (CSDs) and Blind (CSB) are part of the public school system of the state and have for their purpose the education of the Deaf and Blind who, because of their severe hearing and severe sensory loss and educational needs, cannot be provided an appropriate education in the regular public schools (Education Code section 59001). CSD and CSB do not assume the obligations of the State Educational Agency to serve pupils for whom the local school district and the State Special Schools do not have an appropriate program.

The State of California has limited CSD's and CSB's funding and capacity because these schools serve as only one of the potential program options for deaf and blind students and because those schools do not replace the role of local school districts which have the responsibility to serve all students residing within their boundaries. (Education Code section 48200). Clear admission standards are necessary because only those students that can be appropriately served by CSD and CSB should be admitted to its instructional and residential programs.

California School for the Deaf (CSD)

The CSDs, located in Riverside and Fremont, recognize that language and communication are central to providing quality education to Deaf children. The CSDs are intended to serve students who require specialized, or intensive educational or related services related to their hearing loss.

Every Deaf person between the ages of 3 and 21 years, who is a resident of the state, and who meets the eligibility criteria set forth in the proposed regulations is entitled to an education at a CSD at no cost to parents or students. Priority in admission to the CSDs shall be given to:

1. Elementary age Deaf students who meet admission criteria and reside in sparsely populated regions; and,
2. Secondary age Deaf students who meet admission criteria and are in need of a high school program, for whom appropriate comprehensive educational facilities and services are not available or cannot be reasonably provided by their local school district or county educational agencies (Education Code section 59020).

Unique Educational Needs of CSD Student Population

Deaf students have needs for a unique environment that provides access to:

- direct and incidental learning and participation opportunities in all components of the educational process including, but not limited to, academic, career technical education,

- extracurricular, social and athletic activities
- ongoing opportunities to appropriately increase proficiency in English and American Sign Language
- teachers, related service personnel, administrators and other professionals who understand the unique nature of deafness, are trained to work with Deaf students, and have the necessary skills to communicate directly and spontaneously with them
- a sufficient number of peers with whom they can communicate directly and spontaneously and who are of similar ages and ability levels
- in-depth exposure to a broad spectrum of Deaf adult role models
- opportunities to participate in self-esteem building activities that promote self-awareness and an understanding of Deaf heritage and Deaf culture

Since the purpose of the CSDs is the education of the Deaf (Education Code section 59001), the programs and services are designed and funded to serve students whose primary educational needs are due to their severe hearing loss and not to other disabilities. Thus, CSD teachers and other professionals are hired based upon their expertise in education of the Deaf, not based upon their experience in the areas of emotional, behavioral, or cognitive disabilities. The proposed admissions criteria, therefore, reflect that students served by the CSDs have a severe hearing loss as the basis for their primary educational need.

Services Provided

The CSDs provide intensive, specialized services to students with or without additional disabilities whose primary education needs are due to their deafness. The services provided include:

1. Comprehensive elementary educational programs, including related services for Deaf individuals (Education Code section 59002).
2. Regional secondary educational programs providing comprehensive secondary education, including a full-range academic curriculum, appropriate pre-vocational and vocational preparation opportunities, and non-academic and extracurricular activities (Education Code section 59002).

CSD ADMISSIONS PROCESS

The admission process typically begins with an inquiry from an LEA and/or parent. Prior to admission, the LEA is responsible for informing parents, or surrogate parents, of the procedural safeguards that apply in special education and providing the parent with the notice of rights in accordance with Education Code sections 56500-07. The following steps describe the process that is to be followed.

Initiated by LEA Inquiry

1. LEA expresses interest in enrolling child in a CSD.
2. LEA assures that application form is completed and submitted to CSD by parent.
3. LEA provides written authorization to have student reviewed for possible enrollment.

Initiated by Parent Inquiry

1. Parent expresses interest in enrolling child at a CSD and requests an application.
2. CSD informs parent of need to involve LEA, gives application form to parent and notifies LEA of parent interest.

3. LEA concurs with parent and provides CSD with written authorization to begin the admissions review process. If LEA does not concur, the referral process stops, pending resolution between LEA and parent.

Admissions Review Process

1. CSD collects all relevant school and medical records (including current IEPs) from qualified LEA staff who are knowledgeable about deafness and appropriate assessment instruments for use with individuals who are deaf or hard of hearing (Education Code section 56320(g)). State imposed limitations on capacity may impact a student's consideration for the admissions review process.
 - a. CSD reviews the information received and determines whether a site visit to observe the student is needed. CSD may determine at this point in the process that the student does not meet admissions criteria.
 - b. Following review of documents and/or the site visit, CSD decides whether additional information is needed. Additional information may be requested from the LEA or other agencies.

2. Since eligibility as an Individual with Exceptional Needs has already been established by the LEA, CSD writes an assessment plan with the parents and LEA for the purpose of gathering additional information necessary to determine the appropriateness of enrollment according to the admissions criteria.

Assessments are completed within 50 calendar days of receipt of a signed assessment plan. The assessment plan is written upon arrival at the CSD with parents and LEA. The assessment plan may range from a behavioral observation to extensive, formal testing of the student. The admissions review period may be concluded once sufficient information has been collected to determine whether or not the student meets the admissions criteria. The admissions review period does not constitute a placement (Education Code section 56367).

3. A conference at the completion of the admissions review period is held with the LEA, parents and CSD to discuss the results.
 - a. If the applicant meets the admission criteria, an IEP is initiated by the CSD with LEA and parents included. Once the student is enrolled at a CSD, the CSD assumes the responsibility for the required notice of rights. CSD and the LEA are jointly involved in all IEPs and due process proceedings regarding the student. CSD is responsible for completing triennial assessments for students.
 - b. If the applicant does not meet the admissions criteria, CSD informs the LEA and parents in writing of the determination and rationale for the decision. The LEA continues to provide for the educational needs of the child.

CSB

CSB, located in Fremont, is intended to serve students who require specialized, or intensive, educational or related services related to their vision loss. Every blind person of a suitable age and capacity, (Education Code section 59120), who is a resident of the state, and who meets the admissions criteria set forth within this document is entitled to an education at CSB at no cost to parents or students.

Education Code does not define a suitable age, capacity, and severe sensory loss. These terms are defined

as:

- Suitable Age- ages 3 through 21
- Capacity- the ability to benefit from disability specific instruction designed to enhance the student's potential to function independently in his/her home, school, and community environments
- Severe Sensory Loss - a loss of vision, or vision and hearing combined, that severely affects the pupil's ability to access the general education curriculum and causes difficulty to such an extent that it adversely affects his/her educational performance requiring the services of personnel trained to work with blind, visually impaired or deafblind children as specified in the following section, "Unique Educational Needs of Student Population."

Unique Educational Needs of Student Population

Blind, visually impaired, and deafblind students have unique educational needs. These needs include specific instruction in:

- compensatory and functional academics as they relate to vision loss or deafblindness
- communication skills including instruction in Braille, augmentative and alternative
- communication modes as related to visual impairment or deafblindness
- independent living skills as they relate to visual impairment or deafblindness
- social skills and adjustment to blindness or deafblindness
- career development and education as they relate to vision loss or deafblindness
- assistive technology and information acquisition as they relate to visual impairment or deafblindness
- orientation and mobility as they relate to vision loss or deafblindness
- transition and vocational education as they relate to visual impairment or deafblindness
- recreation and leisure skills as they relate to blindness or deafblindness
- use of functional vision and enhancement of low vision skills

Unique Characteristics of the California School for the Blind

Education code mandates that local school districts are the responsible educational agencies for all students residing within their districts (Education Code section 48200). For purposes of the State Special Schools, the term "residing" means where the student's parents or legal guardians live. CSB is considered one of the potential program options of the continuum of services to children with disabilities (Education Code section 56361). In serving as an option, criteria for admission are determined by the State Superintendent of Public Instruction (Education Code section 59020).

Since CSB has for its purpose the education of the blind, visually impaired, and deafblind (Education Code section 59101), its programs and services are designed and funded to meet the unique needs of children with severe sensory loss, not primary educational needs related to other disabilities. Thus, CSB teachers and other professionals are hired based upon their expertise in blindness education or deafblindness, not based upon their expertise in the areas of emotional, behavioral, physical or cognitive disabilities. Admissions criteria, therefore, reflect that students served by CSB have vision loss or deafblindness as their primary educational need.

Services Provided

CSB provides intensive disability-specific services in the curricular areas (refer to Unique Educational Needs of Student Population section) to students whose primary educational need is due to their visual impairment or deafblindness with or without additional disabilities, pursuant to the conditions of this Admissions Policy.

CSB does not have a comprehensive academic secondary program, and as such does not issue a standard high school diploma. Given the unique educational needs required for students who are visually impaired, blind, or deafblind, services must be delivered by trained teachers who hold credentials in education of the visually impaired and/or deafblindness.

CSB may provide a range of instructional options, that may include preschool classes, basic life skills classes, functional skill classes, mainstream classes, transition/apartment living programs, diploma options program, disability-specific summer programs and disability specific instruction (e.g., blindness related skills such as, assistive technology, Braille and Nemeth Code, orientation and mobility, use of functional vision, independent living skills, basic communication skills). Such short term placements are designed to assist students in transitioning to LEA programs. All placement decisions are made in accordance with timelines specified in the IEP. CSB services also include educational assessments and individual recommendations for students who are referred for those services pursuant to Education Code section 56326.

ADMISSIONS PROCESS

The admissions process typically begins with an inquiry from an LEA and/or from a parent. Prior to admission, the LEA is responsible for informing parents, or surrogate parents of the procedural safeguards that apply in special education and providing the parent with the notice of rights in accordance with Education Code sections 56500-07. The following steps describe the process that is to be followed.

Initiated by LEA Inquiry

1. LEA expresses interest in enrolling child at CSB.
2. LEA assures that application form is completed and submitted to CSB by parent.
3. LEA provides written authorization to have student reviewed for possible enrollment.

Initiated by Parent Inquiry

1. Parent expresses interest in enrolling child at CSB and requests an application.
2. CSB informs parent of need to involve LEA, gives application form to parent, and notifies LEA of parent interest.
3. LEA concurs with parent and provides CSB with written authorization to begin the admissions review process. If LEA does not concur, the referral process stops, pending resolution between LEA and parent.

Admissions Review Process

1. CSB collects all relevant school and medical records (including current IEPs) from qualified LEA staff who are knowledgeable about blindness and appropriate assessment instruments for use with individuals who are blind, visually impaired, or deafblind (Education Code section 56320(g)). State imposed limitations on capacity may impact a student's consideration for the admissions review process.
 - a. CSB reviews the information received and determines whether a site visit to observe the student is needed. CSB may determine at this point in the process that the student does not meet admissions criteria.
 - b. Following review of documents and/or the site visit, CSB decides whether additional information is needed. Additional information may be requested from the LEA or other agencies.

2. Since eligibility as an Individual with Exceptional Needs has already been established by the LEA, CSB writes an assessment plan with the parents and LEA for the purpose of gathering additional information necessary to determine the appropriateness of enrollment according to the admissions criteria.

Assessments are completed within 50 calendar days of receipt of a signed assessment plan. The assessment plan is written upon arrival at CSB with parents and LEA. The assessment plan may range from a behavioral observation to extensive, formal testing of the student.

The admissions review period may be concluded once sufficient information has been collected to determine whether or not the student meets the admissions criteria. The admission review period does not constitute a placement (EC 56367).

3. A conference at the completion of the admissions review period is held with the LEA, parents, and CSB to discuss the results.
 - a. If the applicant meets the admissions criteria, an IEP is initiated by CSB with LEA and parents included. Once the student is enrolled at CSB, CSB assumes the responsibility for the required notice of rights. CSB and the LEA are jointly involved in all IEPs and due process proceedings regarding the student. CSB is responsible for completing triennial assessments for students.
 - b. If the applicant does not meet the admissions criteria, CSB informs the LEA and parents in writing of the determination and rationale for the decision. The LEA continues to provide for the educational needs of the child.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

CSD and CSB do not rely on any technical reports for studies in proposing adoption of these regulations.

REASONABLE ALTERNATIVES TO THE REGULATION AND THE AGENCY'S REASONS FOR REJECTING THOSE ALTERNATIVES.

No other alternatives were presented or considered by the Superintendent. These criteria must be established to allow for an orderly admission process.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS.

The Superintendent has not identified any alternatives that would lessen any adverse impact on small business.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS.

The proposed regulations do not affect businesses in California, and, therefore, have no significant adverse economic impact on any business.